

ANTHONY BRODZKI, )  
)  
Plaintiff, )  
)  
v. ) No. 4:11CV647 CEJ  
)  
MISSOURI ATTORNEY GENERAL, )  
)  
Defendant. )

This matter is before the Court upon the motion of Anthony Brodzki for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Additionally, the Court has reviewed the complaint and will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B).

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief. An action is frivolous if it “lacks an arguable basis in either law or

fact.” Neitzke v. Williams, 490 U.S. 319, 328 (1989); Denton v. Hernandez, 504 U.S. 25, 31 (1992). An action is malicious if it is undertaken for the purpose of harassing the named defendants and not for the purpose of vindicating a cognizable right. Spencer v. Rhodes, 656 F. Supp. 458, 461-63 (E.D.N.C. 1987), aff’d 826 F.2d 1059 (4th Cir. 1987). A complaint fails to state a claim if it does not plead “enough facts to state a claim to relief that is plausible on its face.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007).

### **The Complaint**

Plaintiff brings this action under 42 U.S.C. § 1983 and state law. Plaintiff alleges that the “Missouri state patrol has redirected [his] movements” by directing noise at him from “the dispatch centers and the squad cars.” Plaintiff further alleges that state patrol officers “would laugh about this frequently.”

### **Discussion**

An action is factually frivolous if the facts alleged are “clearly baseless”; alleged facts are clearly baseless if they are “fanciful,” “delusional,” or “fantastic.” Denton v. Hernandez, 504 U.S. 25, 32-33 (1992). The allegations in the complaint are delusional, and therefore, they are factually frivolous under Denton.

Moreover, the complaint is void of allegations directed at the Missouri Attorney General, Chris Koster. As a result, the case will be dismissed pursuant to 28 U.S.C. § 1915(e).


Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall not issue process or cause process to issue upon the complaint because the complaint is frivolous.

An appropriate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 25th day of April, 2011.

  
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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE